

THE STAR-LEDGER, Wednesday, July 1, 1992

POLLUTION CLEANUP CRACKDOWN

Judge takes personal role in monitoring watershed work

By JIM O'NEILL

A Superior Court judge yesterday ordered an immediate cleanup of hazardous pollutants from an underground reservoir and, after criticizing the state and two chemical companies for failing to get the job done, said he will personally monitor the progress.

Judge C. Judson Hamlin, sitting in New Brunswick, told the Department of Environmental Protection and Energy (DEPE) to award a contract to install pollution removal equipment at the Runyon Watershed, a 1,200-acre aquifer in Old Bridge that serves Perth Amboy.

In addition, two companies held responsible for the pollution, Madison Industries and Control & Pollution Sciences (CPS), both located near the watershed, were ordered to pay \$2 million to the DEPE and continue paying, as needed, to ensure the cleanup.

Hamlin placed the DEPE in charge of the operation, but said he has little faith in the agency's ability to do the job, and ordered the state to report its progress to the court each month.

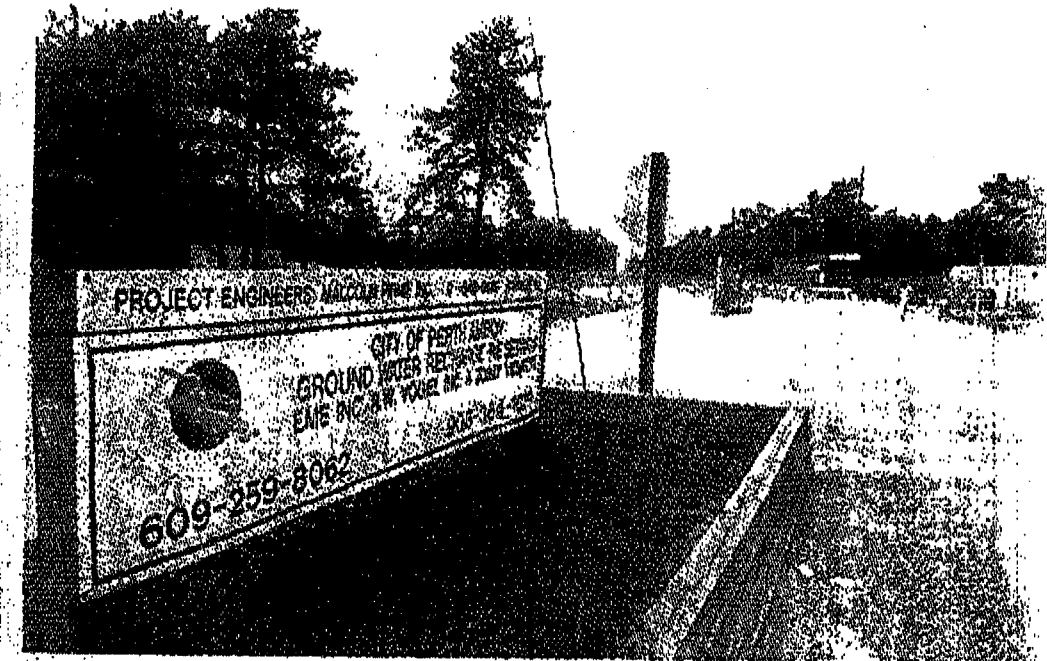
It is an unusual move for the court to become directly involved in the cleanup, Hamlin said. "I don't desire to be a supervisor of the cleanup process, but if I don't do it, it isn't going to get done."

He criticized the DEPE and the two companies for failing to obey court orders, asserting the DEPE was "giving the store away" by attempting to renegotiate cleanup plans with the companies rather than enforce the court orders.

The judge also blasted the two chemical companies for putting profits ahead of their cleanup responsibilities, asserting the firms "have done as little as possible, as slowly as possible and as cheaply as possible" since they first were authorized by the court in 1981 to contain and remove a variety of hazardous pollutants, including organics and heavy metals such as zinc, lead and cadmium.

Rather than pursue the cleanup, the DEPE allowed the companies to alter cleanup efforts, and the companies engaged in a variety of tactics and courtroom litigation to delay the work, the judge said.

Among provisions of court orders issued in 1981 and 1988 were directives to install an underground wall to contain pollution, obtain bond-



A view of the entrance to Perth Amboy's groundwater recharge reservoir in Old Bridge. A judge yesterday ordered an immediate cleanup of the underground facility

Photo by Vic Vagella

ing to ensure that money would be available for cleanup, and realign Prickett's Brook to bypass contaminated areas, the judge said, adding that none of these provisions was ever implemented.

He said it is "astounding" that "the parties have treated those (court orders) with little or no respect (and) were negotiating shortly thereafter to abandon" the terms of those orders.

The court orders since have been rendered "meaningless" because the pollution has spread beyond the portions of the watershed that were intended to be protected, Hamlin said.

As a result, pollution first discovered in 1971 in six wells continued to spread and now threatens one of several wells that continue to provide drinking water to Perth Amboy, the judge said.

He ordered a series of immediate remedial steps to prevent pollution from reaching the working wells, and said he will schedule an additional court hearing to decide a long-term cleanup strategy, as well as to consider whether the companies should be held in contempt for failing to obey the prior cleanup orders.

Hamlin's orders came following a four-week trial called by the judge

after Perth Amboy filed a lawsuit charging the companies failed to comply with the prior court orders. The lawsuit seeks to hold the companies in contempt and asked the court to place Perth Amboy and the DEPE in charge of the cleanup.

Hamlin declined to place Perth Amboy in charge, asserting that the city does not have the finances or legal authority to pursue the cleanup. However, he commended city officials for filing the lawsuit, asserting the DEPE and the companies would continue to lag without court intervention.

Hamlin said he ordered the remedial steps "in the interests of the public health" and in an effort to stem the pollution before it reaches the working well.

Included is a requirement that the DEPE, within nine months, install a "packed stripping tower" at the working well to remove benzene and chlorobenzene before the substances enter the well and are pumped to the water treatment plant, which also is located at the watershed. Court records contain an estimate that the equipment will cost about \$1.3 million.

Hamlin further ordered negotia-

tions with the Middlesex County Utilities Authority (MCUA) to extend a permit to dump polluted water from Runyon into the county sewer system. The current permit expires today, and the MCUA had planned not to renew it because pollutant levels have gone too high, the judge said.

He noted that the companies spent \$5 million in insurance funds over the years to pump contaminants dumped into the sewer system. Hamlin advised the DEPE to bring the MCUA to court if sewer officials decline to renew the permit to continue pumping until the new pollution cleanup equipment is installed at the working well.

Hamlin also told the DEPE to develop, within 45 days, a plan to replenish polluted water taken from the aquifer, noting that the underground water source must be recharged with fresh water if it is to continue functioning.

In ordering the two companies to begin paying the DEPE for cleanup costs, Hamlin raised concerns that the companies may not have funds readily available, and placed them on a payment schedule aimed at providing cleanup money without putting the companies out of business.

507886